

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11433 OF 2015

Gangangiri Premises Co-operative Society Ltd. ... Petitioner
vs.
Divisional Joint Registrar, ... Respondents
Co-operative Societies and others.

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Mr. Sanjiv A. Sawant, Senior Advocate for petitioner.
Mr. Rampal S. Kohli for respondent No.3.
Mrs. Vaishali Nimbalkar, AGP for respondent Nos.1, 2 and 5.

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CORAM : M. S. SONAK, J.
DATE : 21st NOVEMBER, 2015.

P.C.:

1. In this petition, the complaint of the petitioner - society is that the Minister (Co-operation) before whom, the petitioner has filed a revision petition to challenge order dated 19/03/2012 made by Divisional Joint Registrar, Co-operative Societies has not taken up the petitioner's application for interim relief. There is also a challenge to the order dated 17/10/2015 made by Deputy Registrar, Co-operative Society, Mumbai which in effect, directs the implementation of order dated 17/08/2009 and 19/03/2012 in the matter of enrollment of respondent No.3 as a Member of the petitioner - society.

2. In this case, by order dated 17/08/2009 made by the Deputy Registrar, Co-operative Society, the petitioner - society was directed to enroll the respondent No.3 as a member of the society. The petitioner's appeal against the same, was rejected by Divisional Joint Registrar, Co-operative Society, by its order dated 19/03/2012. After delay of over three and a half years, the petitioner has chosen to institute a revision petition before the Minister (Co-operation). This revision petition was instituted on 17/11/2015.

3. The petitioner, having itself unreasonably delayed in the institution of the revision petition, can really complain that no interim relief has been granted in the matter. The order dated 17/10/2015 which is challenged directly in this petition is merely consequential to the orders dated 17/08/2009 and 19/03/2012. The said order was made because the petitioner - society refused to comply with the said two orders, even though the said orders by the said date had already attained finality.

4. There is no case made out to entertain this petition. The petition is accordingly dismissed.

5. However, it is made clear that this court has not examined the merits of the matter and therefore, all contentions of all parties are kept open to be decided by the revisional authority in accordance with law and on its own merits.

(M. S. SONAK, J.)